

Senate Calendar

WEDNESDAY, MARCH 19, 2014

SENATE CONVENES AT: 1:30 P.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

UNFINISHED BUSINESS OF MARCH 18, 2014

Second Reading

Favorable with Recommendation of Amendment

- S. 100** Forest integrity
Natural Resources & Energy Report - Sen. Galbraith 874

NEW BUSINESS

Third Reading

- S. 28** Gender-neutral nomenclature for the identification of parents
on birth certificates 877
- S. 168** Making miscellaneous amendments to laws governing
municipalities 877
- S. 234** Medicaid coverage for home telemonitoring services 877
Amendment - Sen. Sirotkin 877
- S. 261** Electrical installations 877
Amendment - Sen. Mullin 877
- S. 314** Miscellaneous amendments to laws related to motor vehicles..... 879

Second Reading

Favorable with Recommendation of Amendment

- S. 175** Permitting a student to remain enrolled in a Vermont public
school after moving to a new school district 879
Education Report - Sen. Collins 880
- S. 191** Setbacks and screening for solar generation plants
Natural Resources and Energy Report - Sen. Hartwell 880

J.R.S. 27 Relating to an application of the General Assembly for Congress to call a convention for proposing amendments to the U.S. Constitution	
Judiciary Report - Sen. Sears	882

NOTICE CALENDAR

Second Reading

Favorable

H. 718 An act relating to approval of amendments to the charter of the Village of Derby Line	
Government Operations Report - Sen. McAllister	882

Favorable with Recommendation of Amendment

S. 293 Reporting on population-level outcomes and indicators and on program-level performance measures	
Government Operations Report - Sen. Pollina	882
Appropriations Report - Sen. Snelling	890
S. 302 Waiving the energy efficiency charge	
Natural Resources & Energy Report - Sen. Rodgers	891
S. 308 Regulating precious metal dealers	
Econ. Dev., Housing and General Affairs Report - Sen. Baruth	891

Favorable with Proposal of Amendment

H. 62 An act relating to prohibiting the handheld use of a portable electronic device while driving	
Transportation Report - Sen. Campbell	898

ORDERS OF THE DAY

ACTION CALENDAR

UNFINISHED BUSINESS OF TUESDAY, MARCH 18, 2014

Second Reading

Favorable with Recommendation of Amendment

S. 100.

An act relating to forest integrity.

Reported favorably with recommendation of amendment by Senator Galbraith for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) Vermont's forests are a unique resource that provides habitat for wildlife, a renewable resource for human use, jobs for Vermonters in timber and other forest-related industries, and economic development through a productive forest products industry.

(2) Large areas of contiguous forest are essential for quality wildlife habitat, to preserve Vermont's scenic qualities, to implement best practices in forest management, and to ensure the continued economic productivity of Vermont's diverse forest products industry.

(3) The division of forests into lots for house sites or other construction fragments Vermont's forests and reduces their value as wildlife habitat, for forest industries, and to Vermont's tourist economy.

Sec. 2. 10 V.S.A. § 2601a is added to read:

§ 2601a. POLICY; FOREST INTEGRITY; NONFRAGMENTATION

(a) The State of Vermont shall preserve Vermont's forests in large contiguous blocks without permanent roads, buildings, or other construction in order to:

(1) provide habitat for wildlife, especially animals that range over large areas of land, including bear, moose, bobcat, lynx, and deer;

(2) protect the watersheds and Vermont's streams and rivers so as to maintain the quality of Vermont's waters and to reduce the risk of flooding; and

(3) preserve the scenic qualities of the Vermont landscape.

(b) The State of Vermont shall implement the policy stated in this section through all agencies whose activities affect the State's publicly and privately owned forests, including the Department as set forth in this chapter, and through its political subdivisions pursuant to 24 V.S.A. chapter 117 (municipal and regional planning and development).

Sec. 3. 10 V.S.A. § 6001(35) is added to read:

(35) "Fragmentation of forestland" means the separation of forestlands by buildings, roads, or other physical structures or by other human-made alterations to land such as clearing.

Sec. 4. 10 V.S.A. § 6086 is amended to read:

§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

(a) Before granting a permit, the district commission shall find that the subdivision or development:

* * *

(9) Is in conformance with a duly adopted capability and development plan, and land use plan when adopted. However, the legislative findings of subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria in the consideration of applications by a district commission.

* * *

(C) Productive forest soils; forest integrity. A permit will be granted for ~~the a~~ development or subdivision of ~~productive forest soils~~ only when it is demonstrated by the applicant that, in addition to all other applicable criteria, ~~either, the subdivision or development~~ each of the following is met:

(i) If the application involves the development or subdivision of productive forest soils, the development or subdivision either will not result in any reduction in the potential of those soils for commercial forestry; or:

~~(i)~~(I) the development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agricultural or forestry potential; ~~and~~

~~(ii)~~(II) except in the case of an application for a project located in a designated growth center, there are no lands other than productive forest

soils owned or controlled by the applicant which are reasonably suited to the purpose of the development or subdivision; and

~~(iii)~~(III) except in the case of an application for a project located in a designated growth center, the subdivision or development has been planned to minimize the reduction of the potential of those productive forest soils through innovative land use design resulting in compact development patterns, so that the remaining forest soils on the project tract may contribute to a commercial forestry operation.

(ii) the development or subdivision will not contribute to the fragmentation of forestland; or

(I) the development or subdivision cannot practicably be relocated on the site or to another site owned or controlled by the applicant or reasonably available to satisfy the basic project purpose;

(II) if the proposed development or subdivision cannot practicably be relocated, all practicable measures have been taken to avoid adverse impacts caused by the development's or subdivision's fragmentation of forestland;

(III) if avoidance of adverse effects caused by the development's or subdivision's fragmentation of forestland cannot be practically achieved, the development or subdivision has been planned to minimize those adverse effects and to preserve connection among the forestlands to be separated in a manner that supports wildlife, and the applicant will permanently conserve an area of forestland that is of comparable or greater biological value than the forestland fragmented by the development or subdivision.

* * *

Sec. 5. REPORT; FOREST FRAGMENTATION IN VERMONT

On or before December 31, 2014, the Commissioner of the Department of Forests, Parks and Recreation shall submit to the House and Senate Committees on Natural Resources and Energy and the House Committee on Fish, Wildlife, and Water Resources a report assessing the current and projected effects of fragmentation on Vermont's forestlands, and providing recommendations for how to best protect the integrity of Vermont's forestlands and preserve large blocks of contiguous forestland.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 4-1-0)

NEW BUSINESS

Third Reading

S. 28.

An act relating to gender-neutral nomenclature for the identification of parents on birth certificates.

S. 168.

An act relating to making miscellaneous amendments to laws governing municipalities.

S. 234.

An act relating to Medicaid coverage for home telemonitoring services.

Amendment to S. 234 to be offered by Senator Sirotkin before third reading

Senator Sirotkin moves to amend the bill as follows:

First: In Sec. 1, subsection (a) after the words home health agencies by inserting the words or other qualified providers as defined by the Agency of Human Service

Second: In Sec. 1, subsection (b) after the words home health agency where it *twicely* appears by inserting the words or other qualified providers as defined by the Agency of Human Service

Third: In Sec. 1, subsection (c), subdivision (1) after the words home health agency by inserting the words or other qualified providers as defined by the Agency of Human Service

S. 261.

An act relating to electrical installations.

Amendment to S. 261 to be offered by Senator Mullin before third reading

Senator Mullin moves to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. § 894 is amended to read:

§ 894. ENERGIZING INSTALLATIONS; REENERGIZING AFTER EMERGENCY DISCONNECTION

(a) A new electrical installation in or on a complex structure or an electrical installation used for the testing or construction of a complex structure shall not be connected or caused to be connected, to a source of electrical energy unless prior to ~~such~~ the connection, either a temporary or a permanent energizing

permit is issued for that installation by the ~~commissioner~~ Commissioner or an electrical inspector.

(b) An existing electrical installation in any structure, including an owner-occupied freestanding residence, disconnected as the result of an emergency that affects the internal electrical circuits shall not be reconnected to a source of electrical energy until the electrical installation has been inspected and determined to be safe by a licensed journeyman or licensed master electrician. This subsection does not include the use of a generator due to an external loss of power.

(c) This section shall not be construed to limit or interfere with a contractor's right to receive payment for electrical work for which a certificate of completion has been granted.

Sec. 2. 26 V.S.A. § 904(a) is amended to read:

(a) To be eligible for licensure as a type-S journeyman, an applicant shall:

(1) complete an accredited training and experience program recognized by the ~~board~~ Board; or

(2) have had training and experience, within or ~~without~~ outside this ~~state~~ State, acceptable to the ~~board~~ Board; and

(3) pass an examination to the satisfaction of the ~~board~~ Board in one or more of the following fields:

(A) ~~Automatic~~ automatic gas or oil heating;

(B) ~~Outdoor~~ outdoor advertising;

(C) ~~Refrigeration~~ refrigeration or air conditioning;

(D) ~~Appliance~~ appliance and motor repairs;

(E) ~~Well~~ well pumps;

(F) ~~Farm~~ farm equipment;

(G) ~~Any~~ any miscellaneous specified area of specialized competence.

Sec. 3. 26 V.S.A. § 910 is amended to read:

§ 910. LICENSE NOT REQUIRED

A license shall not be required for the following types of work:

(1) Any electrical work, including construction, installation, operation, maintenance, and repair of electrical installations in, on, or about equipment or premises, which are owned or leased by the operator of any industrial or manufacturing plant, if the work is done under the supervision of an electrical

engineer or master electrician in the employ of the operator;.

(2) Installation in laboratories of exposed electrical wiring for experimental purposes only;.

(3) Any electrical work by ~~an~~ the owner ~~or his or her regular employees~~ in the ~~owner's~~ owner-occupied freestanding single unit residence, ~~in~~ and outbuildings accessory to ~~such~~ the freestanding single unit residence or any structure on owner-occupied farms;.

(4) Electrical installations performed as a part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building in which the installation is made, is to be used as a "complex structure";.

(5) Electrical work performed by an electrician's helper under the direct supervision of a person who holds an appropriate license issued under this chapter;.

(6) Any electrical work in a building used for dwelling or residential purposes which contains no more than two dwelling units.

(7) Installation of solar electric modules and racking on complex structures to the point of connection to field-fabricated wiring and erection of net metered wind turbines.

(8) Installation of solar electric systems, including modules, racking, inverters, and the balance of the system on freestanding single-family and two-family dwellings up to and including the point of connection with the existing electrical system, that connection being one or more back-fed breakers in an existing breaker panel.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

S. 314.

An act relating to miscellaneous amendments to laws related to motor vehicles.

Second Reading

Favorable with Recommendation of Amendment

S. 175.

An act relating to permitting a student to remain enrolled in a Vermont public school after moving to a new school district.

Reported favorably with recommendation of amendment by Senator Collins for the Committee on Education.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 1093 is amended to read:

§ 1093. NONRESIDENT STUDENTS

(a) A school board may receive into the schools under its charge nonresident students under such terms and restrictions as it deems best and money received for the instruction of the students shall be paid into the school fund of the district.

(b) Notwithstanding subsection (a) of this section, if a student has legal residence in a Vermont school district and is enrolled in and attending a school maintained and operated by that district, and if at any time after completion of the annual census period defined in subdivision 4001(1)(A) of this title the student moves to a different Vermont school district with the intention of remaining there indefinitely as contemplated in subsection 1075(a) of this title, then the student, or the student's parent or legal guardian if the student is a minor, may choose to remain enrolled in the school maintained by the original district for the remainder of the school year by notifying both school districts of the decision to do so.

(c) Nothing in this section shall be construed to eliminate State or federal requirements for a district to enroll eligible students residing outside the district under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11301 et seq., as may be amended.

(Committee vote: 5-0-0)

S. 191.

An act relating to setbacks and screening for solar generation plants.

Reported favorably with recommendation of amendment by Senator Hartwell for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended as follows:

In Sec. 2, 30 V.S.A. § 219a (self-generation and net metering), after the first ellipsis, by striking out subsection (c) and inserting in lieu thereof a new subsection (c) to read:

(c) The Board shall establish by rule or order standards and procedures governing application for, and issuance or revocation of a certificate of public good for net metering systems under the provisions of section 248 of this title.

A net metering system shall be deemed to promote the public good of the State if it is in compliance with the criteria of this section, and Board rules or orders. In developing such rules or orders, ~~the Board:~~

(1) With respect to a solar net metering system of ~~40~~ 15 kW or less, the Board shall provide that the system may be installed ten days after the customer's submission to the Board ~~and~~, the interconnecting electric company, and the municipality of a completed registration form and certification of compliance with the applicable interconnection requirements and the setback and screening requirements described in subdivision 248(b)(1) of this title. Within that ten-day period, the interconnecting electric company and the municipality each may deliver to the customer and the Board a letter ~~detailing that, in the case of the interconnecting utility, details any issues concerning the interconnection of the system or, in the case of the municipality, addresses the facility's compliance with the setback and screening requirements.~~ The customer shall not commence construction of the system prior to the passage of this ten-day period and, if applicable, resolution by the Board of any ~~interconnection~~ issues raised by the electric company or the municipality in accordance with this subsection. If the ten-day period passes without delivery by the electric company or the municipality of a letter that raises ~~interconnection~~ issues in accordance with this subsection, a certificate of public good shall be deemed issued on the 11th day without further proceedings, findings of fact, or conclusions of law, and the customer may commence construction of the system. On request, ~~the clerk~~ Clerk of the Board promptly shall provide the customer with written evidence of the system's approval. ~~For the purpose of~~ In this subdivision, the following shall not be included in the computation of time: Saturdays, Sundays, State legal holidays under 1 V.S.A. § 371(a), and federal legal holidays under 5 U.S.C. § 6103(a).

(2) With respect to a net metering system for which a certificate of public good is not deemed issued under subdivision (1) of this subsection, the Board:

(A) may waive the requirements of section 248 of this title that are not applicable to net metering systems, including, ~~but not limited to,~~ criteria that are generally applicable to public service companies as defined in this title, but shall not waive the land use bylaw and screening requirements described in subdivision 248(b)(1)(B) of this title;

(B) may modify notice and hearing requirements of this title as it deems appropriate;

(C) shall seek to simplify the application and review process as appropriate; and

(D) shall find that such rules are consistent with ~~state~~ State power plans.

* * *

(Committee vote: 4-0-1)

J.R.S. 27.

Joint resolution relating to an application of the General Assembly for Congress to call a convention for proposing amendments to the U.S. Constitution.

Reported favorably with recommendation of amendment by Senator Sears for the Committee on Judiciary.

The Committee recommends that the resolution be amended as follows:

By striking out the second *Resolved* clause and inserting in lieu thereof the following:

Resolved: That delegates to such a convention from Vermont shall propose no amendments which do not have a primary goal of addressing the grievances listed herein, *and be it further*

(Committee vote: 4-1-0)

NOTICE CALENDAR

Second Reading

Favorable

H. 718.

An act relating to approval of amendments to the charter of the Village of Derby Line.

Reported favorably by Senator McAllister for the Committee on Government Operations.

(Committee vote: 4-0-1)

(No House amendments)

Favorable with Recommendation of Amendment

S. 293.

An act relating to reporting on population-level outcomes and indicators and on program-level performance measures.

Reported favorably with recommendation of amendment by Senator Pollina for the Committee on Government Operations.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

(a) This act is necessary for the General Assembly to obtain data-based information to know how well State government is working to achieve the population-level outcomes the General Assembly sets for Vermont's quality of life, and will assist the General Assembly in determining how best to invest taxpayer dollars.

(b) Evaluating the results of spending taxpayer dollars will allow the General Assembly to be more forward-thinking, strategic, and responsive to the long-term needs of Vermonters and allow the Executive Branch to consider how the programs it administers could be further refined in order to produce better results.

(c) Using the data-based information provided under this act will encourage State government to continue to move steadily toward results-based accountability and will help educate the General Assembly and Executive Branch on how to be more effective and accountable to Vermonters and will encourage a better partnership with Vermont communities.

Sec. 2. 3 V.S.A. chapter 45 (administration), subchapter 5 is added to read:

Subchapter 5. Chief Performance Officer

§ 2311. CHIEF PERFORMANCE OFFICER; ANNUAL REPORT ON POPULATION-LEVEL OUTCOMES USING INDICATORS

(a) Report. Annually, on or before July 30, the Chief Performance Officer within the Agency of Administration shall report to the General Assembly on the State's progress in reaching the population-level outcomes for each area of Vermont's quality of life set forth in subsection (b) of this section by providing data for the population-level indicators that are requested pursuant to the process set forth in subsection (c) of this section.

(b) Vermont population-level quality of life outcomes.

(1) Vermont has a prosperous economy.

(2) Vermonters are healthy.

(3) Vermont's environment is clean and sustainable.

(4) Vermont's communities are safe and supportive.

(5) Vermont's families are safe, nurturing, stable, and supported.

(6) Vermont's children and young people achieve their potential, including:

(A) Pregnant women and young people thrive.

(B) Children are ready for school.

(C) Children succeed in school.

(D) Youths choose healthy behaviors.

(E) Youths successfully transition to adulthood.

(7) Vermont's elders and people with disabilities and people with mental conditions live with dignity and independence in settings they prefer.

(8) Vermont has open, effective, and inclusive government at the State and local levels.

(c) Requesting population-level indicators.

(1) Annually, on or before March 1, a standing committee of the General Assembly having jurisdiction over a population-level quality of life outcome set forth in subsection (b) of this section may submit to the Government Accountability Committee a request that any population-level indicator related to that outcome be revised.

(2) If that request is approved by the Government Accountability Committee, the President Pro Tempore of the Senate, and the Speaker of the House, the Chief Performance Officer shall revise and report on the population-level indicator in accordance with the request and this section.

(d) The report set forth in this section shall not be subject to the limitation on the duration of agency reports set forth in 2 V.S.A. § 20(d).

§ 2312. PERFORMANCE ACCOUNTABILITY LIAISONS TO THE GENERAL ASSEMBLY

(a) The Chief Performance Officer shall designate an employee in each agency of State government to be a performance accountability liaison to the General Assembly. A liaison designated under this section shall be responsible for reviewing with the General Assembly any of the population-level outcomes and indicators set forth in section 2311 of this subchapter to which that agency contributes and for responding to any other requests for results-based accountability information requested by the General Assembly.

(b) The performance accountability liaisons shall report to the Chief Performance Officer on any action taken under subsection (a) of this section.

(c) Annually, on or before July 30 and as part of any other report requirement to the General Assembly set forth in this subchapter, the Chief Performance Officer shall report to the General Assembly on his or her analysis of the actions taken by the performance accountability liaisons under this section.

§ 2313. PERFORMANCE CONTRACTS AND GRANTS

(a) The Chief Performance Officer shall have oversight over the State's performance contracts and grant-making in order to:

(1) assist contractors and grantees in developing performance measures for those contracts and grants; and

(2) ensure contractors and grantees subject to those contracts and grants meet the performance requirement specified therein.

(b) Annually, on or before July 30 and as part of any other report requirement to the General Assembly set forth in this subchapter, the Chief Performance Officer shall report to the General Assembly on the progress by rate or percent of how many State contracts and grants have performance accountability requirements.

Sec. 3. INITIAL POPULATION-LEVEL INDICATORS

Until any population-level indicators are requested pursuant to the provisions of Sec. 2 of this act, 3 V.S.A. § 2311(c) (requesting population-level indicators), each population-level quality of life outcome set forth in Sec. 2 of this act, 3 V.S.A. § 2311(b) (Vermont population-level quality of life outcomes), and listed in this section shall have the following population-level indicators:

(1) Vermont has a prosperous economy.

(A) Percent or rate per 1,000 jobs of nonpublic sector employment.

(B) Median household income.

(C) Percent of Vermont covered by state-of-the-art telecommunications infrastructure.

(D) Median house price.

(E) Rate per 1,000 residents of resident unemployment.

(F) Percent of structurally-deficient bridges, as defined by the Vermont Agency of Transportation.

(G) Percent of local farm sales.

(2) Vermonters are healthy.

- (A) Percent of adults who exceed healthy weight.
- (B) Percent of adults who smoke cigarettes.
- (C) Rate per 1,000 adults of adults who are homeless.
- (D) Percent of individuals and families living at different poverty levels.
- (E) Percent of adults at or below 200 percent of federal poverty level.
- (F) Percent of adults who are insured.
- (3) Vermont's environment is clean and sustainable.
 - (A) Percent of waters that need remediation under the Clean Water Act.
 - (B) Percent of water, sewer, and stormwater systems that meet federal and State standards.
 - (C) Carbon dioxide per capita.
 - (D) Electricity by fuel or power type.
- (4) Vermont's communities are safe and supportive.
 - (A) Rate per 1,000 adults 25 years of age or older of out-of home placements for such adults.
 - (B) Rate per 1,000 residents of petitions filed for relief from domestic abuse.
 - (C) Rate per 1,000 crimes of violent crime.
 - (D) Rate per 1,000 residents of sexual assault committed against residents.
 - (E) Percent of residents living in affordable housing.
 - (F) Percent or rate per 1,000 formerly incarcerated residents of residents returned to prison for technical violations of probation or parole.
 - (G) Percent or rate per 1,000 nonviolent offenders of nonviolent offenders diverted from prison into the community.
 - (H) Percent or rate per 1,000 people convicted of crimes of recidivism.
 - (I) Rate per 1,000 crimes of violent crime.
 - (J) Rate per 1,000 residents of residents incarcerated.

(K) Percent or rate per 1,000 residents of residents entering the corrections system.

(5) Vermont's families are safe, nurturing, stable, and supported.

(A) Number and rate per 1,000 children of confirmed reports of child abuse and neglect.

(B) Percent or rate per 1,000 children of children who are homeless.

(C) Percent or rate per 1,000 families of families who are homeless.

(D) Number and rate per 1,000 children and youth of children and youth in out-of-home care.

(6) Vermont's children and young people achieve their potential, including:

(A) Pregnant women and young people thrive.

(i) Percent of pregnant women receiving prenatal care in the first trimester.

(ii) Percent of low birth weight babies or preterm births.

(iii) Rate per 1,000 infants of infant mortality.

(iv) Percent of children at or below 200 percent of federal poverty level.

(v) Percent of children who are insured.

(B) Children are ready for school.

(i) Percent of kindergarteners fully immunized.

(ii) Percent of first-graders screened for vision and hearing problems.

(iii) Percent of children ready for kindergarten in all domains.

(iv) Percent of children enrolled in high quality early childhood programs that receive at least four out of five stars under State standards.

(C) Children succeed in school.

(i) Rate per 1,000 children of children's school attendance.

(ii) Percent of children below the basic level of fourth grade reading achievement under State standards.

(iii) Rate per 1,000 high school students of high school graduation.

(D) Youths choose healthy behaviors.

(i) Rate per 1,000 female teenagers under 18 years of age of pregnancy in such teenagers.

(ii) Percent of students who report using alcohol, tobacco, or drugs within the last 30 days.

(iii) Number and rate per 1,000 minors of minors who are under the supervision of the Department of Corrections.

(E) Youths successfully transition to adulthood.

(i) Percent of high school seniors with plans for education, vocational training, or employment.

(ii) Percent of graduating high school seniors who continue their education within six months of graduation.

(iii) Percent of new families at risk (meaning there is a first birth to an unmarried woman under 20 years of age who has less than a high school diploma).

(iv) Rate per 1,000 teens of teen nonviolent deaths.

(v) Percent of high school graduates entering postsecondary education, work, or training.

(vi) Percent of completion of postsecondary education.

(vii) Rate per 1,000 high school graduates of high school graduates entering a training program.

(7) Vermont's elders and people with disabilities and people with mental conditions live with dignity and independence in settings they prefer.

(A) Rate per 1,000 vulnerable adults of confirmed reports of abuse and neglect of vulnerable adults.

(B) Percent of elders living in institutions versus home care.

(8) Vermont has open, effective, and inclusive government at the State and local levels.

(A) Percent of youth who report parent involvement in schooling.

(B) Percent of youth who report they help decide what goes on in their school.

(C) Percent of eligible population voting in general elections.

(D) Percent of students volunteering in their community.

(E) Percent of youth who feel valued by their community.

(F) Percent of youth who have an adult who provides help and advice.

Sec. 4. CHIEF PERFORMANCE OFFICER; REPORT ON PERFORMANCE MEASURE PILOT PROGRAM

(a) Annually, on or before July 30 and as part of any other report requirement to the General Assembly set forth in Sec. 2 of this act, 3 V.S.A. chapter 45, subchapter 5 (Chief Performance Officer), the Chief Performance Officer shall submit to the General Assembly a report on the Department of Finance and Management's Performance Measure Pilot Program. The report shall include:

(1) the performance measure data collected by the pilot participants; and

(2) the progress of all programs in the Executive Branch and how many of those programs have and are using performance measures.

(b) The Chief Performance Officer shall collaborate with the Joint Fiscal Office in developing new performance measures for programs.

Sec. 5. APPROPRIATION; GOVERNMENT ACCOUNTABILITY COMMITTEE; RESULTS-BASED ACCOUNTABILITY TRAINING

(a) There is appropriated from the General Fund to the General Assembly in Fiscal Year 2015 the amount of \$20,000.00 for training on results-based accountability, as determined by the Government Accountability Committee (the GAC).

(b) The GAC may use any portion of this appropriation for training legislators, Executive Branch program managers, community partners, and any other persons it determines necessary on results-based accountability in order to share knowledge, understand current trends in program results, and expand the use of results-based accountability in State government and among community partners.

Sec. 6. CHIEF PERFORMANCE OFFICER; INITIAL PERFORMANCE ACCOUNTABILITY LIAISON APPOINTMENTS

The Chief Performance Officer within the Agency of Administration shall make his or her initial designations of the performance accountability liaisons described in Sec. 2 of this act, 3 V.S.A. § 2312, by November 15, 2014.

Sec. 7. QUARTERLY PROGRESS REPORTS; TEMPORARY SUSPENSION

The report requirement set forth in 2010 Acts and Resolves No. 146, Sec. H4 (Challenges for Change; quarterly reporting and implementation) is temporarily suspended. The report requirement shall resume in 2017 beginning with the first quarterly report due for that year.

Sec. 8. REPEAL; ANNUAL REPORT ON POPULATION-LEVEL OUTCOMES AND INDICATORS

Sec. 2 of this act, 3 V.S.A. § 2311 (Chief Performance Officer; annual report on population-level outcomes using indicators), is repealed on January 1, 2017.

Sec. 9. 3 V.S.A. § 2312 is amended to read:

§ 2312. PERFORMANCE ACCOUNTABILITY LIAISONS TO THE GENERAL ASSEMBLY

(a) The Chief Performance Officer shall designate an employee in each agency of State government to be a performance accountability liaison to the General Assembly. A liaison designated under this section shall be responsible for reviewing with the General Assembly any ~~of the population-level outcomes and indicators set forth in section 2311 of this subchapter to which that agency contributes and for responding to any other~~ requests for results-based accountability information requested by the General Assembly.

(b) The performance accountability liaisons shall report to the Chief Performance Officer on any action taken under subsection (a) of this section.

(c) Annually, on or before July 30 and as part of any other report requirement to the General Assembly set forth in this subchapter, the Chief Performance Officer shall report to the General Assembly on his or her analysis of the actions taken by the performance accountability liaisons under this section.

Sec. 10. EFFECTIVE DATES

(a) This section and Secs. 1 (purpose)-7 (quarterly progress reports; temporary suspension) shall take effect on passage.

(b) Secs. 8 (repeal; annual report on population-level outcomes using indicators) and 9 (amending 3 V.S.A. § 2312 (performance accountability liaisons to the General Assembly)) shall take effect on January 1, 2017.

(Committee vote: 5-0-0)

Reported favorably with recommendation of amendment by Senator Snelling for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Government Operations, with the following amendment thereto:

By striking out Sec. 5 in its entirety and inserting in lieu thereof: [Deleted.]

(Committee vote: 6-0-1)

S. 302.

An act relating to waiving the energy efficiency charge.

Reported favorably with recommendation of amendment by Senator Rodgers for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. ENERGY SAVINGS ACCOUNTS; REPORT

On or before December 15, 2014, the Department of Public Service (the Department) shall complete each of the following:

(1) The Department shall contact each entity eligible for an energy savings account under 30 V.S.A. § 209(d)(3) and determine why the entity has or has not established such an account.

(2) The Department shall report to the House Committee on Commerce and Economic Development, the Senate Committee on Finance, and the House and Senate Committees on Natural Resources and Energy on the reasons why eligible entities have or have not established energy savings accounts under 30 V.S.A. § 209(d)(3) and shall include in the report recommendations for statutory change to increase the establishment of energy savings accounts by eligible entities.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to energy savings accounts.

(Committee vote: 3-1-1)

S. 308.

An act relating to regulating precious metal dealers.

Reported favorably with recommendation of amendment by Senator Baruth for the Committee on Economic Development, Housing and General Affairs.

The Committee recommends that the bill be amended as follows:

By striking out Secs. 3–7 in their entirety and inserting in lieu thereof new Secs. 3–6 to read:

Sec. 3. 9 V.S.A. chapter 97A is added to read:

CHAPTER 97A. PRECIOUS METAL DEALERS

§ 3881. DEFINITIONS

As used in this chapter:

(1) “Antique” means an item, including a collectible coin, that is:

(A) collected or desired due to age, rarity, condition, or other similar unique feature;

(B) purchased for the purpose of resale; and

(C) sold in the same unique form or condition as when it was purchased, and not for scrap.

(2) “Criminal history record” means all information documenting a natural person’s contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(3) “Disqualifying offense” means:

(A) a felony under:

(i) 13 V.S.A. chapter 47 (fraud);

(ii) 13 V.S.A. chapter 49 (fraud in commercial transaction);

(iii) 13 V.S.A. chapter 57 (larceny and embezzlement); or

(iv) 13 V.S.A. chapter 84 (possession and control of regulated drugs); or

(B) a violent felony under 18 V.S.A. § 4474g(e); or

(C) one of the following misdemeanors, if a conviction for the misdemeanor occurred within the ten years preceding the date on which the convicted person applies for a certification to do business as a precious metal dealer:

(i) petit larceny in violation of 13 V.S.A. § 2502;

(ii) receipt of stolen property in violation of 13 V.S.A. § 2561;

(iii) false pretenses or tokens in violation of 13 V.S.A. § 2002; or

(iv) false tokens in violation of 13 V.S.A. § 2003; or

(D) a violation of this chapter punishable under subdivision 3890(c)(2) of this title.

(4) “Engaged in the business of purchasing or selling precious metal” means conducting a regular course of trade in precious metal with retail buyers or sellers, and does not include:

(A) retail trade in new precious metal;

(B) trade in precious metal that is exclusively wholesale, including business-to-business transactions for precious metal used in medical and dental applications; or

(C) trade in precious metal commodities for the purpose of investment, including bullion, commodities funds, or commodities futures.

(5) “Precious metal” means used gold, silver, platinum, palladium, coins sold for more than face value, jewelry, or similar items, but does not include an antique.

(6)(A) “Precious metal dealer” means a person who:

(i) has a physical presence in this State, whether temporary or permanent;

(ii) is engaged in the business of purchasing or selling precious metal; and

(iii) purchases or sells \$2,500.00 or more of precious metal in a consecutive 12-month period.

(B) “Precious metal dealer” does not include a charitable organization that is qualified as tax exempt under 26 U.S.C. § 501.

(7) “Principal” means a natural person who is a director, officer, member, manager, partner, or creditor.

§ 3882. CERTIFICATION REQUIRED

(a) Certification from the Department of Public Safety is required to conduct business as a precious metal dealer in this State.

(b) An application for certification shall include for each applicant and its principals:

(1) the name, address, telephone number, and valid e-mail address or other electronic contact information;

(2) the name of, and the nature of the affiliation with, any business involving the purchase or sale of precious metal within the past five years;

(3) the age, date, and place of birth of each natural person;

(4) the residential address and place of employment of each natural person; and

(5) any crime of which a natural person has been convicted and the date and place of conviction.

(c) The Department shall not issue or renew a certification if an applicant or one of its principals has been convicted on or after January 1, 2015 of a disqualifying offense.

(d)(1) Prior to issuing or renewing a certification pursuant to this section, the Department shall obtain a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation for an applicant and each of its principals.

(2) A person for whom a record is requested shall consent to the release of criminal history records to the Department on forms substantially similar to the release forms developed in accordance with 20 V.S.A. § 2056c.

(3) Upon obtaining a criminal history record, the Department shall promptly provide a copy of the record to the person who is the subject of the record and shall inform the person of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Department.

(4) The Department shall comply with all laws regulating the release of criminal history records and the protection of individual privacy.

(5) No person shall confirm the existence or nonexistence of criminal history record information to any person who would not be eligible to receive the information pursuant to this chapter.

§ 3883. FEES; RENEWAL; REVOCATION OF CERTIFICATION

(a)(1) A person who applies for certification pursuant to section 3882 of this title shall pay a nonrefundable fee of \$200.00 to the Department of Public Safety.

(2) A certification shall expire two years from the date it is issued, and may be renewed upon payment of \$200.00 and approval of the Department.

(3) A fee collected under this section shall be used to administer the precious metal dealer certification process established pursuant to section 3882 of this title.

(b) The Department may revoke a certification for cause at any time during the period of the certification after notice and a hearing pursuant to 3 V.S.A. chapter 25.

(c)(1) The Department shall revoke a certification upon the conviction, on or after January 1, 2015, for a disqualifying offense by a precious metal dealer or one of its principals.

(2) The Department may revoke a certification upon the conviction, on or after January 1, 2015, for a disqualifying offense by an employee of a precious metal dealer acting within his or her scope of employment when he or she committed the offense.

(d) A precious metal dealer shall prominently display his or her certification number at his or her place of business, and shall include his or her certification number in each advertisement, in any medium, that promotes the business or services of the precious metal dealer.

§ 3884. PRIVATE RIGHT OF ACTION

A person injured by a precious metal dealer's violation of this chapter may bring an action against the dealer for damages arising from the violation.

§ 3885. RECORDS OF A PRECIOUS METAL DEALER

(a) For each item of precious metal sold to a precious metal dealer, he or she shall:

(1) assign a distinct entry number or, in the case of a lot of items, an entry number for the lot and a sub-lot number for each unmatched item in the lot;

(2) maintain the following records for each item or lot of items:

(A) the amount of money paid and the date and time of the transaction;

(B) the name, current address, and telephone number of the seller;

(C) a legible description written on the day of the transaction that includes for each item any distinguishing mark and name of any kind, such as brand and model name, model and serial number, engraving, etching, affiliation with any institution or organization, date, initials, color, vintage, or image represented;

(D) a digital photograph or video, taken at the time of the transaction, that references the entry number required under subdivision (a)(1) of this section and the date of the transaction;

(E)(i) a government-issued identification card issued to the seller that bears his or her photograph; or

(ii) a government-issued identification card and a digital photograph of the seller's face; and

(F) documentation of lawful ownership, including a bill of sale, receipt, letter of authorization, or similar evidence, provided that if these forms of documentation are unavailable, the seller shall submit an affidavit of ownership.

(b) A precious metal dealer who sells \$50,000.00 or more of precious metal in a consecutive 12-month period shall maintain the records required in this section in a computerized format that can be readily accessed, electronically transmitted, and reproduced in physical form.

(c)(1) A precious metal dealer shall retain the records required in this section for at least three years at his or her normal place of business or other readily accessible and secure location.

(2) At all reasonable times, the records required under this section shall be open to the inspection of law enforcement.

§ 3886. HOLDING PERIOD

A precious metal dealer shall retain precious metal that he or she purchases for no fewer than 10 days before offering an item for sale or for scrap, and he or she shall not remove an item from the State prior to the expiration of this 10-day period.

§ 3887. PURCHASE OF PRECIOUS METAL FROM PERSONS UNDER 18 YEARS OF AGE

A precious metal dealer shall not purchase precious metal offered for sale by a person under 18 years of age.

§ 3888. METHOD OF PAYMENT

In each transaction of \$25.00 or more, a precious metal dealer shall pay only by check, draft, or money order for precious metal purchased for the purpose of resale.

§ 3889. STOLEN PROPERTY NOTIFICATION SYSTEM

(a) The Department of Public Safety shall develop and implement a statewide stolen property notification system, the purpose of which shall be to facilitate timely electronic communication concerning the reported theft of precious metal among precious metal dealers and law enforcement agencies throughout the State.

(b)(1) Upon receiving an official report of theft of precious metal, the Department shall use the System to contact each precious metal dealer at the e-mail address provided pursuant to subdivision 3882(c)(1) of this title and each law enforcement agency that provides an e-mail address for that purpose.

(2) The Department shall include in its notification any information it determines in its discretion is appropriate to assist precious metal dealers and law enforcement agencies in identifying stolen precious metal and in expediting both the return of the stolen property to its owner and the identification and apprehension of suspects.

(3) Notwithstanding subdivision (2) of this subsection, the Department shall redact any personally identifiable information in a notification issued pursuant to this section concerning the identity or any communications with a purported victim and any precious metal dealer unless the victim or dealer expressly waives confidentiality in a writing submitted to the Department for that purpose.

§ 3890. PENALTIES

(a) Except as otherwise provided in this section, a person who violates a provision of this chapter shall be assessed a civil penalty of not more than \$1,000.00.

(b) A person who operates as precious metal dealer without the certification required by section 3882 of this title shall be:

(1) for a first offense, imprisoned for not more than six months or fined not more than \$10,000.00, or both;

(2) for a second or subsequent offense, imprisoned not more than three years or fined not more than \$50,000.00, or both.

(c) A person who violates a provision of sections 3885–3888 of this title shall be:

(1) for a first offense, imprisoned for not more than six months or fined not more than \$10,000.00, or both;

(2) for a second or subsequent offense, imprisoned not more than three years or fined not more than \$50,000.00, or both.

(d) The Attorney General or a State's Attorney shall have the authority to pursue an injunction to prohibit the conduct of a person in violation of this chapter.

(e) For purposes of this section, each transaction in which a person violates a provision of this chapter shall constitute a single violation, regardless of the number of violations of this chapter that occur in the transaction.

Sec. 4. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

(a) A ~~judicial bureau~~ Judicial Bureau is created within the ~~judicial branch~~ Judicial Branch under the supervision of the Supreme Court.

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(25) Violations of 9 V.S.A. chapter 97A that are subject to civil penalties pursuant to 9 V.S.A. § 3890(a), relating to the purchase and sale of precious metal by a precious metal dealer, as defined in 9 V.S.A. § 3881.

Sec. 5. IMPLEMENTATION

The Department of Public Safety:

(1) shall create an application and certification process for the certification required under 9 V.S.A. § 3882; and

(2) may adopt rules necessary to implement his or her duties under this act.

Sec. 6. EFFECTIVE DATES

(a) This section, Sec. 5, and 9 V.S.A. § 3889 in Sec. 3 (stolen property notification system) shall take effect on July 1, 2014.

(b) Secs. 1-4, other than 9 V.S.A. § 3889, shall take effect on January 1, 2015.

(Committee vote: 4-1-0)

Favorable with Proposal of Amendment

H. 62.

An act relating to prohibiting the handheld use of a portable electronic device while driving.

Reported favorably with recommendation of proposal of amendment by Senator Campbell for the Committee on Transportation.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 4(82) is amended to read:

(82) "Portable electronic device" means a portable electronic or computing device, including a cellular telephone, personal digital assistant

(PDA), or laptop computer. “Portable electronic device” does not include a two-way or Citizens Band radio, or equipment used by a licensed Amateur Radio operator in accordance with 47 C.F.R. part 97.

Sec. 2. 23 V.S.A. § 1095b is amended to read:

§ 1095b. ~~HANDHELD USE OF PORTABLE ELECTRONIC DEVICE IN~~
~~WORK ZONE PROHIBITED~~

(a) Definition. As used in this section, “hands-free use” means the use of a portable electronic device without use of either hand ~~and outside the immediate proximity of the user’s ear~~, by employing an internal feature of, or an attachment to, the device.

(b) Use of handheld portable electronic device ~~in work zone~~ prohibited. A person shall not use a portable electronic device while operating a moving motor vehicle ~~within on a highway work zone in Vermont~~. The prohibition of this subsection shall not apply ~~unless the work zone is properly designated with warning devices in accordance with subdivision 4(5) of this title, and shall not apply:~~

(1) to hands-free use; ~~or~~

(2) to activation or deactivation of hands-free use, as long as the device is in a cradle or otherwise securely mounted in the vehicle and the cradle or other accessory for secure mounting is not affixed to the windshield in violation of 23 V.S.A. § 1125;

~~(2)(3)~~ when use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances; or

(4) to use of an ignition interlock device, as defined in section 1200 of this title.

(c) ~~Penalty~~ Penalties.

(1) A person who violates this section commits a traffic violation and shall be subject to a ~~penalty~~ fine of not less than \$100.00 and not more than \$200.00 ~~upon adjudication of~~ for a first violation, and of not less than \$250.00 and not more than \$500.00 ~~upon adjudication of~~ for a second or subsequent violation within any two-year period.

(2) A person convicted of violating this section while operating within a properly designated work zone in which construction, maintenance, or utility personnel are present shall have two points assessed against his or her driving record for a first conviction and five points assessed for a second or subsequent conviction.

(3) A person convicted of violating this section outside a work zone shall not have points assessed against his or her driving record for a first conviction, and shall have two points assessed for a second or subsequent conviction within a two-year period.

(d)(1) Operators of commercial motor vehicles shall be governed by the provisions of chapter 39 of this title (Commercial Driver License Act) instead of the provisions of this chapter with respect to the handheld use of mobile telephones and texting while operating a commercial motor vehicle.

(2) A person shall not be issued more than one complaint for any violation of this section, section 1095a of this title (junior operator use of portable electronic devices), or section 1099 of this title (texting prohibited) that arises from the same incident.

Sec. 3. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Any person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

* * *

(LL)(i)	§ 1095.	Entertainment picture visible to operator;
(ii)	§ 1095b(c)(2).	Use of portable electronic device in work zone—first offense;
(iii)	<u>§ 1095b(c)(3).</u>	<u>Use of portable electronic device outside work zone—second or subsequent offense within a two-year period;</u>

* * *

(4) Five points assessed for:

* * *

(D)	§ 1095b(c)(2).	Use of portable electronic device in work zone—second and subsequent offenses;
-----	----------------	--

* * *

Sec. 4. 23 V.S.A. § 1095a is amended to read:

§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC DEVICES

A person under 18 years of age shall not use any portable electronic device as defined in subdivision 4(82) of this title while operating a moving motor vehicle on a highway. This prohibition shall not apply ~~if it is necessary to place an emergency 911 call~~ when use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances.

Sec. 5. EFFECTIVE DATE

This act shall take effect on October 1, 2014.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 13, 2014, pages 412 - 414 and February 14, 2014, page 435.)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Patti Pallito of Richmond – Member of the State Police Advisory Commission – By Sen. French for the Committee on Government Operations. (2/19/14)

Shirley A. Jefferson of South Royalton – Member of the State Police Advisory Commission – By Sen. McAllister for the Committee on Government Operations. (2/19/14)

Glenn Boyde of Colchester – Member of the State Police Advisory Commission – By Sen. Pollina for the Committee on Government Operations. (2/19/14)

Lisa Gosselin of Stowe – Commissioner of the Department of Economic Development – By Sen. Doyle for the Committee on Economic Development, Housing and General Affairs. (3/12/14)

Deborah Granquist of Weston – Member of the Board of Libraries – By Sen. McCormack for the Committee on Education. (3/18/14)

Brian Vachon of Montpelier – Member of the Community High School of Vermont Board – By Sen. Collins for the Committee on Education. (3/18/14)

PUBLIC HEARINGS

Thursday, March 20, 2014 – House Chamber – 6:00 P.M. – 8:00 P.M. – Re: H. 552 Minimum Wage - House Committee on General, Housing, and Military Affairs.

NOTICE OF JOINT ASSEMBLY

March 20, 2014 – 10:30 A.M. – Retention of Superior Judges: Nancy S. Corsones, Amy M. Davenport, Katharine A. Hayes, Martin A. Maley, David T. Suntag, and Tomas G. Walsh.

FOR INFORMATION ONLY

CROSSOVER DEADLINES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 14, 2014**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate** bills referred pursuant to Senate Rule 31 to the Committees on Appropriations and Finance must be reported out by the last of those committees on or before **Friday, March 21, 2014**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

These deadlines may be waived for any bill or committee only with the consent of the Committee on Rules.

Note: The deadlines were determined by the Joint Rules Committee. The Senate will not act on House bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Miscellaneous Tax Bill).